

January 12, 2023

Via ECF

The Honorable Naomi Reice Buchwald  
United States District Judge, Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: *In re LIBOR-Based Financial Instruments Antitrust Litig.*, Case No. 11-md-2262  
(S.D.N.Y.)**

Dear Judge Buchwald:

We write on behalf of Class Plaintiffs, the Direct Action Plaintiffs (together, “Plaintiffs”), and Bank Defendants<sup>1</sup> (with Plaintiffs, the “Parties”) to request permission to file under seal (a) the charts in the letter to be filed jointly by Class Plaintiffs, the Direct Action Plaintiffs, and Bank Defendants on January 12, 2023 (the “Letter”); and (b) the entirety of Appendices A and B to the Letter. The charts and appendices contain detailed information, including personally identifiable information (“PII”), regarding the search protocols applied by Bank Defendants for the prior regulatory investigations, which were designated by many Bank Defendants as Confidential or Highly Confidential when the protocols were shared with Plaintiffs in this litigation. *See* Am. Stipulation and Protective Order, Dkt. 1405 ¶ 2.3.1. Chart 3 in the Letter additionally contains the Plaintiffs’ proposed search terms, which also contain PII and Plaintiffs have designated as Confidential. *See* Appendix A to Application to Compel, Dkt. 3549-1. Accordingly, the Parties respectfully request that the Court permit the charts provided in the Letter and the entirety of Appendices A and B to be filed under seal.

Attached is a courtesy copy of a Proposed Sealing Order for the Letter and Appendices A and B, which the Parties will also submit via e-mail to the Clerk.

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<sup>1</sup> Barclays Bank PLC (“Barclays”); Lloyds Banking Group plc, Lloyds Bank plc (formerly known as Lloyds TSB Bank plc), Bank of Scotland plc, and HBOS plc (collectively, “Lloyds”); Credit Suisse AG and Credit Suisse International (collectively, “Credit Suisse”); and MUFG Bank, LTD. each reached an agreement with Plaintiffs on search terms and custodians. *See* ECF Nos. 3547; 3558; 3567; 3571; 3597. Accordingly, Plaintiffs’ application to compel on those issues does not seek any relief as to those Defendants and they do not join this submission.

Respectfully submitted,

/s/ William Christopher Carmody  
William Christopher Carmody

Co-Lead Counsel for the OTC Plaintiffs  
and Liaison Counsel for the Class Plaintiffs

/s/ Brian J. Poronsky  
Brian J. Poronsky

Counsel for Royal Bank of Canada and on behalf  
of Bank Defendants

/s/ James Robertson Martin  
James Robertson Martin

Counsel for The Federal Deposit Insurance Corporation  
as Receiver for 20 Banks and The Federal Home Loan  
Mortgage Corporation and Liaison Counsel for the Direct  
Action Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE LIBOR-BASED FINANCIAL  
INSTRUMENTS ANTITRUST LITIGATION

1:11-md-02262-NRB

THIS DOCUMENT RELATES TO:

ALL CASES

**[PROPOSED] SEALING ORDER**

This Order addresses the letter filed jointly by Class Plaintiffs, the Direct Action Plaintiffs, and the Bank Defendants on January 12, 2023 (the “Letter”) (ECF No. XXXX), and the entirety of Appendices A and B to the Letter (ECF Nos. XXXX, XXXX), which the Parties filed under seal.

The proposed sealed filing contains references to information designated by one or more Bank Defendants, or Plaintiffs as Confidential or Highly Confidential pursuant to ¶ 2.3.1 of the Amended Stipulation and Protective Order, including personally identifiable information. (ECF No. 1405.) Thus, the Parties respectfully request that the Court So Order the sealing of portions of the Letter, and the entirety of Appendix A and Appendix B to the Letter.

IT IS SO ORDERED.

Dated: New York, New York

\_\_\_\_\_, 2023

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NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE